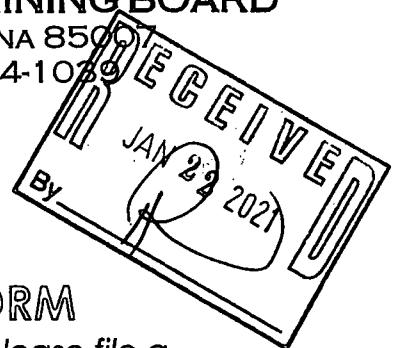


# ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85009

PHONE (602) 364-1PET (1738) FAX (602) 364-1089

VETBOARD.AZ.GOV



## COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

### FOR OFFICE USE ONLY

Date Received: Jan. 22, 2021 Case Number: 21-83

#### A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr. Mangone et. al

Premise Name: Palm Glen Animal Hospital

Premise Address: 7771 N 43rd Ave

City: Phoenix State: AZ Zip Code: 85051

Telephone: 602-841-1200

#### B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT\*:

Name: Justice McClinton

Address: [redacted]

City: [redacted] State: [redacted] Zip Code: [redacted]

Home Telephone: [redacted] Cell Telephone: [redacted]

\*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

**C. PATIENT INFORMATION (1):**

Name: Hya  
Breed/Species: Shetland Sheepdog  
Age: 12 weeks Sex: F Color: Blue Merle

**PATIENT INFORMATION (2):**

Name: \_\_\_\_\_  
Breed/Species: \_\_\_\_\_  
Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Color: \_\_\_\_\_

**D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:**

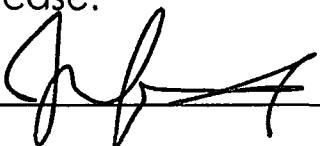
Please provide the name, address and phone number for each veterinarian.  
Dr. Toncray is the only doctor that has seen my pet. Dr. Mangone is refusing to approve a medication/provide a written prescription in a prompt manner.

**E. WITNESS INFORMATION:**

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

**Attestation of Person Requesting Investigation**

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: 

Date: January 22, 2021

**F. ALLEGATIONS and/or CONCERNS:**

*Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.*

Wednesday 1/6, I brought in a new puppy to be seen by PGH staff. During that appointment, Dr. Toncray, the vet assistant, and I discussed preventative medications for my dog, and agreed that she could take an alternative to HeartGard, potentially Sentinel.

On Monday, 1/18 I called Palm Glen and asked for Heartgard/Nexgard for one pet, and Sentinel/Nexgard for the other (Hya is a herding breed with an allergy to Ivermectin). I was told that they would provide a written script for Sentinel and the remaining medication would be ready for pick up the next business day.

The next day, I called and they had nothing in the file for Hya. Apparently, the individual I spoke with the day before had not filed any of my requests. So I requested the script again, and was told it would be ready the following business day.

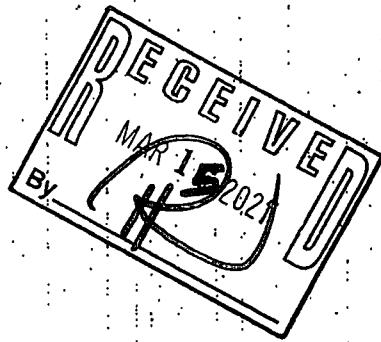
Wednesday 1/20 rolls around, and the medications/script still are not ready. Tired of waiting and desparate to cut out a middle step, I placed an order for Sentinel through an online pet pharmacy so they could directly receive the approval and the medication could be sent out immediately.

Thursday, 1/21, Palm Glen asserted that they still did not have anything ready for me. And, that they had not received any correspondence from 1800-PetMeds. I then called the pharmacist, who provided me with the exact date and time that the fax was sent/ marked received. At this point, the story changed from "they haven't faxed us" to "we're still waiting on doctor approval". I asked for a phone call follow-up from the office and I never received it.

Today, 1/22, Palm Glen still has not approved the medication, or provided me with a written script. By law, veterinary practices must provide prescriptions to clients that ask for them (unless there is potential major harm to the animal).

Palm Glen has avoided responsibility, and still as of right now has not responded to the pharmacy to I can get the medication needed for my dog (that was discussed in person over 2 weeks ago).

Bernard A Mangone  
Palm Glen Animal Hospital  
7771 N 43<sup>rd</sup> Ave  
Phoenix, AZ 85023  
2-15-21



Re 21-83 Bernard Mangone, DVM

To whom it may concern:

In response to the allegations presented in this complaint:

- 1) I have never interacted with the Mc Clintons in any way.
- 2) When informed that the Mc Clintons were having difficulty getting HW medication from the online sources (I was told they did not want an ivermectin containing product) I provided them I suggested we provide them with NexGard, at no charge, to assist them with the more pressing issue of external parasites.

Dr. Toncray was their clinician on the visit in question and D/T a suite of health issues, which can be listed in a non-public forum, was out of the office. As such, the staff correctly approached Dr. Johnson about prescribing medications for them. It is my understanding that she did via online pharmacy.

The rest of the interaction with the Mc Clintons is documented in the record and in the narratives provided since I have no firsthand knowledge of these interactions and would be providing hearsay in expounding upon them. It is, however, my understanding that the staff attempted to satisfy the Mc Clintons repeatedly but were unable D/T the repeatedly changing requests

Respectfully,

Bernard Mangone, DVM

top inc Tis cover

Again, PLEASE SEND ALL CORRESPONDENCE TO  
my work @ Palm Glen Animal Hospital



## **ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD**

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### **INVESTIGATIVE COMMITTEE REPORT**

**TO:** Arizona State Veterinary Medical Examining Board

**FROM:** AM Investigative Committee: Robert Kritsberg, DVM - Chair  
Christina Tran, DVM  
Carolyn Ratajack  
Jarrod Butler, DVM  
Steven Seiler - **ABSENT**

**STAFF PRESENT:** Tracy A. Riendeau, CVT - Investigations  
Marc Harris, Assistant Attorney General

**RE:** Case: 21-83

Complainant(s): Justice McClinton

Respondent(s): Bernard Mangone, D.V.M. (License: 3371)

#### **SUMMARY:**

Complaint Received at Board Office: 1/22/21

Committee Discussion: 7/13/21

Board IIR: 8/18/21

#### **APPLICABLE STATUTES AND RULES:**

Laws as Amended August 2018

(Lime Green); Rules as Revised September 2013 (Yellow).

On January 6, 2021, "Hya," a 12-week-old female Shetland Sheepdog was presented to Respondent's associate for exam and vaccines.

On January 18, 2021, Complainant called to get a heartworm preventative without ivermectin. She was advised that a prescription could be provided. Since the prescription was never provided, Complainant contacted an online pharmacy to get the medications. According to Complainant, Respondent's premises did not approve the prescription request.

On January 22, 2021, according to Ms. Freeman, Respondent's hospital manager, she spoke with Complainant, resolved the matter, and had the prescription request approved for Complainant.

Respondent is the responsible veterinarian for the premises.

**Complainant was noticed and did not appear.**

**Respondent was noticed and appeared.**

**The Committee reviewed medical records, testimony, and other documentation as described below:**

- Complainant(s) narrative: Justice McClinton
- Respondent(s) narrative/medical record: Bernard Mangone, DVM
- Witness(es) statement(s): Palm Glenn staff

**PROPOSED 'FINDINGS OF FACT':**

1. On January 6, 2021, Respondent's associate, Dr. Toncray, examined the puppy that Complainant had adopted the previous day from a breeder in Washington. The dog was vaccinated and discharged.
2. On January 18, 2021, Complainant requested heartworm medication for her two dogs, one could get Heartgard and the other dog would need a heartworm medication without ivermectin due to the breed. According to Complainant, she was told that she would be provided a written prescription for Sentinel and the Heartgard could be picked up the next day.
3. On January 19, 2021, Complainant stated she called and her requests had not been filed or prepared and was told her requests would be ready the following day.
4. According to staff member, Ms. Conde, when Complainant requested heartworm medication she let her know that Dr. Toncray was not in the office that day, but she could have Dr. Johnson look over her request. Complainant approved. After Ms. Conde and Dr. Johnson discussed Complainant's request, two written prescriptions were placed on Dr. Johnson's desk to sign for Complainant. Dr. Johnson stated that before she had an opportunity to approve and sign the prescriptions for heartworm medication, Complainant called and said she no longer wanted the medication.
5. According to Ms. Conde, Complainant was indecisive and eventually stated she would get the Sentinel from her old veterinarian but did want to get the Heartgard and Nexgard for the other dog, Atlas.
6. On January 20, 2021, Complainant stated that the written prescription and medication were still not ready at Respondent's premises, therefore she elected to place an order with an online pharmacy.
7. According to the medical records, it states that Complainant called to cancel the orders for Heartgard and Nexgard for her dog Atlas. She was not satisfied with the services so she picked up the medications from her old veterinarian, but would like one dose of Nexgard for Hya later that day.
8. On January 21, 2021, Complainant called Respondent's premises upset that there was not an approval for the Sentinel order she placed through an online pharmacy. A premises representative stated that the request was not received despite what the online pharmacy shows.
9. Later that day, Complainant picked up the free dose of Nexgard and expressed her frustration with the confusion with the medication.
10. On January 22, 2021, Ms. Freeman, the hospital manager for the premises, looked into the matter and found a prescription request from the online pharmacy that was received the night before at 6:30pm. Ms. Freeman contacted the online pharmacy who stated the prescription approval had been requested several times. Ms. Freeman could not locate any of the other

requests. Ms. Freeman had an associate veterinarian approve the medication, sent a fax to the online pharmacy and emailed Complainant apologizing for the miscommunication.

11. Complainant called to speak with Ms. Freeman who explained she had just emailed her about the confusion. Complainant stated she would not be returning to the premises.

12. Respondent did not have any contact with Complainant. He is the responsible veterinarian for the premises, thus is responsible for hospital policies and procedures. Complainant stated that Respondent was refusing to approve a medication or provide a written prescription in a timely manner.

#### **COMMITTEE DISCUSSION:**

The Committee discussed that based on review of the case file materials and testimony provided they did not believe there was a violation.

#### **COMMITTEE'S PROPOSED CONCLUSIONS of LAW:**

The Committee concluded that no violations of the Veterinary Practice Act occurred.

#### **COMMITTEE'S RECOMMENDED DISPOSITION:**

**Motion:** It was moved and seconded the Board:

*Dismiss this issue with no violation.*

**Vote:** The motion was approved with a vote of 4 to 0.

*The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.*

TR

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Tracy A. Riendeau, CVT  
Investigative Division